

ORDINANCE NUMBER 15-19

AN ORDINANCE OF THE CITY OF WESTFIELD AND WASHINGTON TOWNSHIP, HAMILTON COUNTY, INDIANA CONCERNING AN AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE AND THE ANDOVER PLANNED UNIT DEVELOPMENT DISTRICT ORDINANCE

This is an Ordinance (this "Ordinance") to amend the Unified Development Ordinance of the City of Westfield and Washington Township, Hamilton County, Indiana (the "Unified Development Ordinance"), enacted by the City of Westfield pursuant to its authority under the laws of the State of Indiana, Ind. Code § 36-7-4 et seq., as amended;

WHEREAS, the City of Westfield, Indiana (the "City") and the Township of Washington, both of Hamilton County, Indiana are subject to the Unified Development Ordinance;

WHEREAS, the Council enacted Ordinance No. 03-40, the Andover Planned Unit Development District (the "Andover PUD Ordinance"), on December 8, 2003, as amended by Ordinance No. 06-24 and Ordinance No. 12-37;

WHEREAS, the Westfield-Washington Advisory Plan Commission (the "Commission") considered a petition (**Petition No. 1507-PUD-13**), requesting an amendment to the Andover PUD Ordinance with regard to the subject real estate more particularly described in **Exhibit A** attached hereto (the "Real Estate");

WHEREAS, the Commission forwarded **Petition No. 1507-PUD-13** to the Common Council of the City of Westfield, Hamilton County, Indiana (the "Common Council") with a **favorable recommendation** (9-0) in accordance with Indiana Code § 36-7-4-608, as required by Indiana Code § 36-7-4-1505;

WHEREAS, the Secretary of the Commission certified the action of the Commission to the Common Council on June 16, 2015;

WHEREAS, the Common Council is subject to the provisions of the Indiana Code §36-7-4-1507 and Indiana Code § 36-7-4-1512 concerning any action on this request; and

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Westfield, Hamilton County, Indiana, meeting in regular session, that the Andover PUD Ordinance and the Unified Development Ordinance are hereby amended as follows:

Section 1. **Applicability of Ordinance.**

- 1.1 This Ordinance shall amend the Andover PUD Ordinance, as applicable to the Real Estate. Development of the Real Estate shall be governed by the Andover PUD Ordinance, as amended by this Ordinance and its exhibits.
- 1.2 All other provisions of the Andover PUD Ordinance shall remain in effect with the adoption of this Ordinance.
- 1.3 All provisions and representations of the Unified Development Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Real Estate and shall be superseded by the terms of the Andover PUD Ordinance, as amended.

Section 2. **Setback Standards.** The standards of *Exhibit 7: Development Standards Matrix* of the Andover PUD Ordinance shall apply to the development of the Real Estate, except as otherwise modified below:

- 2.1 Side-Load Garages: The minimum side yard building setback line for a single-family detached dwelling on the Real Estate may be reduced to five (5) feet for dwellings with a side or courtyard loading garage; however, the lot's aggregate building setback lines shall be sixteen (16) feet and the minimum building separation shall be ten (10) feet.

**ALL OF WHICH IS HEREBY ADOPTED BY THE CITY COUNCIL OF WESTFIELD,
HAMILTON COUNTY, INDIANA THIS ____ DAY OF _____, 2015.**

Voting For

Voting Against

Abstain

Charles Lehman

Charles Lehman

Charles Lehman

Jim Ake

Jim Ake

Jim Ake

Steven Hoover

Steven Hoover

Steven Hoover

Robert L. Horkay

Robert L. Horkay

Robert L. Horkay

Robert J. Smith

Robert J. Smith

Robert J. Smith

Cindy L. Spoljaric

Cindy L. Spoljaric

Cindy L. Spoljaric

Robert W. Stokes

Robert W. Stokes

Robert W. Stokes

ATTEST:

Cindy Gossard, Clerk Treasurer

This document prepared by:
Jeffrey M. Lauer
2728 E. 171st Street
Westfield, IN 46074

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jeffrey M. Lauer

I hereby certify that **ORDINANCE 15-19** was delivered to the Mayor of Westfield

on the _____ day of _____, 2015, at _____m.

Cindy Gossard, Clerk-Treasurer

I hereby APPROVE **ORDINANCE 15-19**

this _____ day of _____, 2015.

J. Andrew Cook, Mayor

I hereby VETO **ORDINANCE 15-19**

this _____ day of _____, 2015.

J. Andrew Cook, Mayor

EXHIBIT A
Real Estate (Legal Description)

A part of the Northwest Quarter of Section 32, Township 19 North, Range 4 East, located in Washington Township, Hamilton County, Indiana, being described as follows:

Beginning at the Southeast corner of said Quarter Section; thence North 89 degrees 53 minutes 46 seconds West along the South line of said Quarter Section 2,647.32 feet to the Southwest corner of said Quarter Section; thence North 00 degrees 19 minutes 20 seconds East along the West line of said Quarter Section 2,681.38 feet to the Northwest corner of said Quarter Section; thence South 89 degrees 40 minutes 39 seconds East along the north line thereof a distance of 1832.88 feet to the Northeast corner of the Northwest quarter of said Quarter Section; thence South 00 degrees 19 minutes 21 seconds West along the east line of thereof a distance of 1226.26 feet; thence South 89 degrees 39 minutes 38 seconds East 814.87 feet to the East line of said Quarter Section; thence South 00 degrees 20 minutes 22 seconds West along said East line 1,444.78 feet to the POINT OF BEGINNING of this description containing 139.728 acres, more or less. Subject to all legal highways, rights-of-ways, easements, and restrictions of record.